

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 2707 - HB 2779

March 4, 2010

SUMMARY OF BILL: Creates mandatory minimum sentence of 45 days for a second violation of domestic assault. Domestic assault is currently punished as assault which can be either a Class A or Class B misdemeanor. Increases the penalty to a Class D felony for a third or subsequent violation of domestic assault.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – Not Significant

Increase State Expenditures - \$40,067,700/Incarceration*

Increase Local Revenue – Not Significant

Increase Local Expenditures - \$4,857,700**

Assumptions:

- According to the Administrative Office of the Courts, there has been an average of 705 convictions of domestic assault in each of the past five years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 7,050 per year.
- Fifty-five percent (3,878) of the total Class A or Class B misdemeanors will be first-time offenders. One-third (2,326) of the total will be second-time offenders and will serve a mandatory 45-day sentence. The statewide average cost for county jails is \$46.41 per offender per day. The total additional operating cost to local government for 2,326 offenders serving a mandatory 45-day sentence is \$4,857,734.70 (\$46.41 x 2,326 offenders x 45 days).
- The remaining 846 (7,050 – 3,878 – 2,326 = 846) will be third-time or subsequent violations and will result in a Class D felony rather than a Class A or Class B misdemeanor in the first year as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in 89 additional Class D offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 935 offenders.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2010 is \$59.86 and the average post-conviction time served for a Class D felony is 1.96 years (715.89 days). The cost per offender at 1.96

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years is \$42,853.18 (\$59.86 x 715.89 days). The total additional operating cost for 935 offenders is \$40,067,723.30 (\$42,853.18 x 935 offenders).

- Based on the Fiscal Review Committee's 2008 study of incarceration costs and fines, collection of fines for felony offenses is negligible. There will not be a significant increase in state revenue as a result of this bill.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

***Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc